

Commission members present:

Al Sikora (Village of Waterford) (Chairman)
Don Scott (Town of Vernon) (Vice-Chairman)
Dean Falkner (Village of Mukwonago)
Chad Sampson (Racine County)
Doug Koehler (City of Waukesha)
Robert Bartholomew (Town of Vernon)
Barb Holtz (Town of Mukwonago)
Alan Barrows (Waukesha County)
Randy Craig (Town of Vernon)
Francis Stadler (Village of Big Bend)
Ken Miller (Town of Waukesha)
Shelley Tessmer (Town of Waterford)
Michelle Scott (Wisconsin DNR)
Jim Ritchie (Wisconsin DNR)
Tom Slawski (SEWRPC)
Jim Pindel (Town of Waterford) (Secretary/Treasurer)

Commission members absent:

Randy Meier (Town of Waterford)
Ron Peterson (Village of Big Bend)
Mary Pindel (Town of Waterford – Alternate)

Also present: Paul Kling and Dick Kosut of the WWMD

At 1:03 PM, Chairman Al Sikora called the SEWFRC meeting to order. The Pledge of Allegiance was recited. Roll call was taken and a quorum was confirmed.

Minutes The minutes from the April 24, 2015 meeting were reviewed. It was motioned by Bob Bartholomew that the minutes be approved and the motion was seconded by Shelley Tessmer. The minutes were approved unanimously.

Treasurer Reports – The Treasurer's Reports for April and May 2015 were reviewed. In summary we started April with \$129,173.67 in our money market account. We had a payment of \$35 in April as a reimbursement to commissioner Chad Sampson who attended the SE Fox River Partnership Summit. We had payments of \$129.95 to Bella Mia for Web hosting, \$354.16 to Conley Media and \$234.79 to Racine Journal Times for publishing the notice of our Public Hearing and Budget in May. We received an interest payment of \$21.24 in April and \$21.86 in May leaving us with a final balance of \$128,462.87 at the end of May. The undedicated grant funds left in ENUMs 18 and 19 amounts to \$44,495.40. Francis Stadler asked if we had checked on publishing the Public Hearing notice and Budget in some other paper instead of the Waukesha Freeman and Jim Pindel stated that we are required by the state statute that defines us to publish in the Waukesha Freeman and Racine Journal Times. It was motioned by Don Scott that the treasurer's reports be accepted and it was seconded by Shelley Tessmer. The motion carried unanimously.

Old Business

- a) Fox River Partnership Summit: Tom Slawski said that he had all the paperwork except for form 8700-001 completed to close out the 2015 Fox River Summit project. Since he had the rest of the paperwork including proof of payment with him, Jim Pindel said he would complete the 8700-001 and email it to Jim Ritchie and Tom Slawski, so we can close the project out. Tom also provided a check for \$311.89 to the commission for the amount of the cash advance we provided which was in excess of the total cost of the project.
- b) Mukwonago River shoreline restoration at WE Energies Site. Alan Barrows said that the last time he had contact with the WE Energies people was about 45 days ago. The two issues that are still hanging out there needing to be resolved are the 10% cost share and the long term maintenance. WE Energies has stated that they are not willing to do either of those. Dean Falkner added that these were issues that he thought they would take care of initially but now it looks like they will not. Jim Pindel reminded the commission that a few meetings ago it was reported that WE Energies would not pay anything; It was motioned that the commission cover 100% of the cost of this project because of all the time and energy that has already been spend and the fact that it was a good project worthy of being done. The motion did carry so we should be able to move forward. Alan said that with this in mind we should be able to get going. Shelley asked if long term maintenance of this property was in Waukesha County's Parks budget and Alan said that presently it is not. Shelley then asked if volunteer groups could do the work and Alan said it was possible since most of the work that has to be done is in the first 3 years which is part of the original contract that was bid on by the contractors.
- c) Big Bend Boat/canoe launch retaining wall fence & vegetation – Francis Stadler said that he called the contractor this morning and the contractor had forgotten about the job. So now he has been reminded, he said he will do the work this coming week.
- d) Wood Drive Erosion Control Project – Chad Sampson said that he is covering the Wood Drive and item (e) below together, since they are adjacent and similar. The construction plans are completed for both but he has not seen any estimate so far. Chad said that he expects the cost to be higher than what he originally estimated but would like to wait for some actual bids before he comes back to us for an adjusted project cost estimate approval. Originally Chad estimated \$5000 and \$6000 for each of the projects, now he thinks that the cost will likely be double that amount. One of the major contributors to the cost increase is the size of the larger drain tile involved.
- e) Malchine Farm field Erosion Control – This project report was made in conjunction with the previous report in (d) above.

- f) Highway 164 Ravine repair Project: - Chad Sampson said that he received an estimate from a contractor to do this job. He had requested quotes from about 10 different contractors that do this kind of work. He has not heard from the rest of the contractors and doesn't know whether they are that busy or what the problem is but so far he only has the one bid. The cost from the bid he has is \$32,000, which is considerably higher than the \$10,000 he originally estimated. Chad said that he had to break the project into two parts because there are two different landowners involved. Chad said that he is requesting that the commission pay 70% of the total cost of \$32,000 which is \$22,400. The remaining approximately \$9,000 will come from Racine County grant funding. There will be no cost to the landowners. Jim Pindel pointed out that we still have just over \$44,000 left in ENUM-19 that has to be used up and that we hoped for the new state grant for \$200,000 to come in sometime later this summer. Jim also reminded the commission that we had already voted to accept this project as worthy of our grant funds. Shelley Tessmer motioned that we increase the budget for the STH 164 ravine project to \$22,400 and the motion was seconded by Alan Barrows. The motion carried unanimously.
- a) Waterford Impoundment ESR Project Dredging Permit: - Paul Kling the Secretary of the WWMD and co-chairman of the ESR Dredging committee addressed the group. Paul said that they have identified some new sources of possible dewatering and sediment disposal sites. Some of the sources that they had expected to use fell through. Right now they are working on the engineering for the gravel pit on the Super Mix site along STH 20. Paul pointed out that the WWMD requested an increase in the funding for this project to cover the expense of the engineering involved in using this gravel pit at our last meeting, which we approved. Paul said that right now they are at the point of requesting a cash advance of \$30,000 against the approximated \$66,000 in invoices they have received from Graef Eng. Paul said that their expectation is that the engineering will be complete in about 6 weeks. There are still some issues with getting easements from landowners to cross their land with the piping to carry the sediment to the gravel pit. Jim Pindel asked if the WWMD had proof of payment for the \$30,000 request or at least for the approximately \$17,000 still remaining in EMUN-18. Paul was not sure of how much had already been paid to Graef, but it was decided that we had enough documentation so show that at least \$17,000 has already been paid. Michelle Scott reported that the WDNR had received individual permit applications for both the wetland use and dredging itself. About a week ago Elaine Johnson the Water Management Specialist working on the permit application contacted the WWMD stating that the WDNR is waiting on agreements from the landowners whose properties the pipes will cross and from the disposal site owner. Also they are waiting on the final plan of the disposal sites and the pipe laying corridor. Alan Barrows asked what was being done to prevent nitrogen and phosphorus from leaching into the water table from the disposal site. Paul indicated that a clay liner would be employed in the gravel pit before the sediment was deposited. Francis Stadler asked how many cubic yards

of sediment where going to be pumped out of the impoundment and he was told approximately 350,000 cubic yards. Paul indicated that this would settle down to about 350,000 cubic yards when it is completely dewatered and settles out. Jim Pindel pointed out that at the recommendation of the WDNR the permit would seek to include 20% more sediment than the total estimate amount. Whatever volume of sediment is permitted is the maximum amount that can be removed. So to be safe we will specify this additional 20% so that if we find we need to take a little bit more in some place to do the job right, we can do so. Chad Sampson said that he talked to the owner of Parkview Sand and Gravel and that he was interested in getting some of the dewatered sediment to help him get some soil he can get some grass to grow on. Paul said that right now the plan is to do the NR135 reclamation at the Super Mix site. However Super Mix might be willing to sell or want to remove some of the material, but that has to be decided at a later date. Also if some of the other dewatering sites that are included in the permit application are used, it is likely that there will be a need to truck the dewatered material away from these sites in which case, material would be available for Parkview. Shelley Tessmer motioned that we approve the \$30,000 cash advance for the WWMD as long as the WWMD had proof of payment of at least \$17,575 and the motion was seconded by Dean Falkner. The motion passed unanimously.

- g) Schuetze Playground Storm Water Abatement: - David Burch was not present and Alan Barrows said that even though he had seen David in the office this morning, he had not received a report from him. Alan thought he could make some report at our next meeting.

New Business

- a) Election of a New Vice-Chairperson: Prior to the start of the meeting Don Scott our present Vice-Chairman advised us that the financing of the person who was trying to buy his house had fallen through. So Don will be around for a meeting or few to come. Jim Pindel pointed out that with the fact that we are aware of Don's intention to move out of our area, someone should consider taking on this responsibility and that an election would have to be made sometime in the future. Don also added that the Town of Vernon had reappointed him to our commission the night before.
- b) Consideration of expanding the Commission's jurisdiction south to the Illinois border. Tom Slawski said that he had nothing new to report at this time.
- c) Consideration of how we operate with a larger membership base: Jim Pindel passed out paper copies of a revised version of the letter he proposed sending to Senator Mary Lazich. The changes from the version that was emailed to all commissioners the previous Tuesday were that we informed her that we received a \$10,000 allocation from Racine County which amounts to a new revenue stream and a second addition was the inclusion of an example of how we would like the

quorum number to be calculated. The letter was reviewed in detail. It started with an acknowledgement of the \$200,000 grant that had passed the Joint Finance Committee and thanking her for her efforts. The letter explained that we had received MoU's from Kenosha County and all the municipalities in the County along the River expressing a desire to join our commission. It explained that initially our purpose was only to work in conjunction with the FWA of Illinois to apply for federal grants to help fund projects along the waterway. After meeting with the municipalities we became aware of their problems with flooding and silt buildup impeding navigation along the river. It is now clear that they are in great need of storm water abatement, erosion control and dredging work in Kenosha County. The letter then went on to itemize the changes we want to have incorporated into Section 33.54 of the Wisconsin State Statutes. These changes include changing the makeup of the commission to 1 commissioner and 1 alternate from each Member County and municipality as well as 1 Ex Officio member, one from the WDNR and one from SEWRPC. It included a calculation for how we want quorum calculated that passage of a motion was by majority of the voting commissioners present. The terms of appointment should be up to the individual member entities to determine. We asked that our fiscal year be changed from the calendar year to July 1 to June 30 of the next year. This would align our fiscal year with that of the state and the counties. And lastly we asked that if some operational funds could be made available to us, we would want an annual audit of our finances. This audit would assure us that we were not perpetuating some error in our reporting. The letter concluded with asking Senator Lazich if there were other legislators that we should contact. Senator Lazich has been our Champion over the last few years and we respect her help in this matter. The only addition that came from the group was that Tom Slawski asked if we couldn't add something to indicate that we could possibly add additional member municipalities in the future without requiring changes to the state statutes. This would probably take the form of receiving a MoU from the municipality, confirmation that they are connected to the Fox River mainstream or watershed and a vote from the existing commission. Quorum would then be recalculated based on the membership total. Jim said he would modify the letter accordingly and send a draft to all the commissioners for comment. The letter would be sent to Senator Lazich as soon as the state budget passes the legislature and the Buck's arena issue is decided.

- d) Consideration of developing a USEPA 9-Key Elements Watershed Management Plan – Tom Slawski said that he was not able to get a map of the watershed because SEWRPC's GIS person was tied up in an important project. Tom asked Jim Ritchie if the watershed could be identified on the WDNR's surface water data map. Jim responded that he thought so but was not sure. Tom explained to all of us and to Michelle Scott in particular that we needed to get an idea of exactly how big the project would be and possibly where to start. Jim Pindel reminded that commission that at our last meeting we thought that the WWMD should apply to us for funding and apply to SEWRPC do the actual work of developing a 9-Key elements plan for the Waterford impoundment. Jim went on

to say that after our last meeting Jim Ritchie sent an email to him (which was forwarded to the commissioner) that provided a link to the WDNR website which had a very helpful section on what a 9-Key elements plan was and how to go about developing one. This email was also forwarded to Don Baron of the WWMD. Jim Pindel also stated that he thought that the cost for this plan was in the \$10,000 to \$20,000 range. Tom Slawski then stated that Mike Hahn his supervisor said that any such plan needed to be considered and quoted based on its own particular circumstances. Tom Slawski also pointed out that the 9-Key elements plan for the Waterford impoundment could not be limited to the impoundment itself, it had to include all the watershed above it which eventually feeds into the impoundment. Realizing this 9-Key elements plan for the Waterford impoundment would essentially be a plan for the entire watershed. Tom said that it is very confusing and that there is talk of doing 9-Key element plans on a county basis but that seems to be hard to imagine since counties would likely encompass more than a single watershed. Jim Ritchie said that he would go back and talk to non-point water source staff and see if we can't get a little guidance or suggestions on how to best to proceed. Shelley asked how the St Croix watershed 9-Key element plan was accomplished. Tom Slawski said that it was actually a larger plan than what ours would be involving two states. They had the advantage of having the Total Maximum Daily Load (TMDL's) defined for their waterway whereas we do not. It was explained that TMDL's are developed by the WDNR as a result of a municipality requesting a permit for storm water control or water treatment plant discharge. The TMDL's for the Fox River have never been established. If TMDL's were defined for the Fox River a lot of the modeling would be done and we would know more or less what the pollutant loads were and we would then be able to address them. The discussion ended with the thought that someone expert on the 9-Key elements plans should come in and make a presentation to us, explaining what it is and how we do it.

Reports and Updates

- a) Report on activities of Fox Waterway Agency (FWA) of Illinois –Tom Slawski said that he had nothing new to report.
- b) Possible diversion of City of Waukesha water treatment plant discharge away from the Fox River: Jim Ritchie said that he talked directly to Eric Ebersberger who is in charge of the environmental impact statement and he has been quoted in a number of newspaper articles as saying that their response comments to the application should be out this month.
- c) Progress toward designation as a “National Water Trail” – Village of Waterford. Al Sikora said that he had nothing to report in this regard. Alan Barrows said that as a result of the invitation that was forwarded by Tom Slawski regarding a meeting organizing a Nation Water Trail initiative for the Fox River, Waukesha County would probably be sending a representative to that meeting. The representative would possibly be Alan himself. So Alan will likely make a report

on this topic in the future.

- d) SEWFRC Website – Al Sikora was not present to make a report.

Correspondence –

- a. 4/27/15 Three presentations from the 2015 Summit emailed to all commissioners by Jim Pindel. The presentations were the one about the 9-Key Element Watershed Plans.
- b. 5/4/15 A link provided by Barb Holtz was forwarded to all commissioners regarding the City of Waukesha's request for Lake Michigan water and the diversion of treated waste water away from the Fox River.
- c. 5/4/15 Email from Jim Pindel to Senator Mary Lazich requesting funding for our commission.
- d. 5/4/15 Email from Jim Pindel to Representative David Craig requesting funding for our commission.
- e. 5/6/15 Email from Jim Pindel to all commissioners stating that a \$200,000 grant for our commission has passed the Joint Finance Committee.
- f. 5/19/15 Email invitation forwarded from Tom Slawski concerning a meeting about forming a Fox River Water Trail
- g. 5/28/15 Emails sent from Jim Pindel to the County Executives of Racine and Waukesha Counties requesting funding for our commission. We received a response from Jonathan Delagrave of Racine County stating that it will be a discussion point in their budget review. Alan Barrows added that he forwarded the email to the Waukesha County Executive to a number of people within the County government, to make them aware of us.

Miscellaneous Issues –

Alan Barrows said that he was working with 3 land owners in the Town of Vernon on a grass waterway proposal. There is an eroded gully in a soybean field that is about 1000 feet long. They will be doing some surveying work next week and probably he will be bringing a proposal for a project to the commission about this project to our next meeting.

Jim Pindel mentioned that we have made the application for a credit card with Mukwonago State Bank.

Chad Sampson said that they are in the beginning of the county budget process and that we should be sure to send a reminder to their County Executive around the 4th of July to make sure they remember to consider us.

Jim Ritchie advised us that there is a new member on the board that oversees the WDNR and that member is Julie Anderson of Racine County. She is one of seven board members.

It was motioned by Francis Stadler and seconded by Randy Craig to close the meeting and the motion passed unanimously.

Meeting Closed at 2:04 PM

THE NEXT OFFICIAL MEETING WILL BE Friday, July 10, 2015 at 1:00 PM. (Meeting Location: Town of Vernon Fire Station #1, W233 S7475 Woodland Lane, Big Bend, WI 53103.)